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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,036	11/23/2001	Michael D. Dahlin	1039-0040	4450
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TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746				
			EXAMINER GILLIGAN, CHRISTOPHER L	
			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,036

Applicant(s)

DAHLIN ET AL.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>122203.81604.92205</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-26 have been examined.

Double Patenting

1. Applicant is advised that should claim 3 be found allowable, claim 4 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "control circuitry responsive to data and/or instructions" and "a memory for storing the data and/or instructions". It is unclear whether the recited limitations encompass "data or instructions" or "data and instructions."

5. Claims 2-8 contain the same deficiencies as claim 1 through dependency and, as such, are rejected for the same reasons.

6. Claim 9 recites the limitation "second selection from the diagnostic information". There is no previous recitation of "diagnostic information," therefore this limitation lacks sufficient antecedent basis in the claim.

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7. Claims 10-17 contain the same deficiencies as claim 9 through dependency and, as such, are rejected for the same reasons.

8. Claim 18 recites the limitation "second selection from the diagnostic information". There is no previous recitation of "diagnostic information," therefore this limitation lacks sufficient antecedent basis in the claim.

9. Claims 19-26 contain the same deficiencies as claim 18 through dependency and, as such, are rejected for the same reasons.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al., U.S. Patent No. 6,047,259.

12. As per claim 1, Campbell teaches a device for documenting one or more medical findings of a physical examination, each of the one or more medical findings corresponding to at least one selected medical problem associated with a particular location on a body, the device accessed by a user, the device comprising: an output interface that displays to the user health-related information and a graphical representation of body locations related to such health related information (see column 15, lines 57-60); an input interface that allows the user to navigate the displayed body locations in order to derive the medical findings (see column 15,

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lines 60-64); control circuitry responsive to data or instructions, the instructions enabling a determination of the one or more medical findings (see column 15, line 65 – column 16, line 3); a memory for storing the data or instructions (see column 16, lines 4-13); and a memory for storing the one or more medical findings (see column 16, lines 4-13).

13. As per claim 2, Campbell teaches the device of claim 1 as described above. Campbell further teaches the device is communicatively coupled to a medical database over a network, and the output through the output interface is responsive to receipt of information from the medical database (see Figure 2 and column 7, lines 31-37).

14. As per claim 3, Campbell teaches the device of claim 1 as described above. Campbell further teaches the input interface comprising a body system navigation option (see column 12, line 59 – column 13, line 9).

15. Claim 4 is a duplicate of claim 3 and, therefore, is rejected for the same reasons.

16. As per claim 5, Campbell teaches the device of claim 1 as described above. Campbell further teaches the output interface displaying a plurality of navigation modes (see column 12, lines 14-21).

17. As per claim 6, Campbell teaches the device of claim 5 as described above. Campbell further teaches one of the navigation modes is a medical symptom navigation mode (see column 12, lines 15-17).

18. As per claim 7, Campbell teaches the device of claim 5 as described above. Campbell further teaches one of the navigation modes is a body location navigation mode (see Figure 6).

19. As per claim 8, Campbell teaches the device of claim 5 as described above. Campbell further teaches one of the navigation modes is a body system navigation mode (see column 12, line 59 – column 13, line 9).

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20. As per claim 9, Campbell teaches a method for documenting medical findings of a physical examination, the method comprising: displaying anatomical information (see column 15, lines 56-60); accepting from a user a first selection from the anatomical information (see column 15, lines 60-63); displaying medical information in response to the step of accepting the first selection (see column 15, lines 63-64); accepting from the user a second selection of diagnostic information (see column 15, lines 65-66); and combining the first and second selections to derive at least one medical finding (see column 16, lines 4-12).

21. As per claim 10, Campbell teaches the method of claim 9 as described above. Campbell further teaches the step of displaying anatomical information comprises displaying a plurality of body locations (see Figure 6).

22. As per claim 11, Campbell teaches the method of claim 10 as described above. Campbell further teaches the first selection comprises a response indicative of one of the plurality of body locations (see column 15, lines 22-29).

23. As per claim 12, Campbell teaches the method of claim 9 as described above. Campbell further teaches the step of displaying anatomical information comprises displaying a list of body systems (see column 12, line 59 – column 13, line 9).

24. As per claim 13, Campbell teaches the method of claim 12 as described above. Campbell further teaches the first selection comprises a response indicative of a selection of a body system from the list of body systems (see column 13, lines 10-12).

25. As per claim 14, Campbell teaches the method of claim 9 as described above. Campbell further teaches the step of displaying medical information comprises displaying a plurality of medical problems (see column 13, lines 20-23).

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26. As per claim 15, Campbell teaches the method of claim 14 as described above.

Campbell further teaches the step of accepting the second selection comprises accepting a selection from the plurality of medical problems (see column 13, lines 23-26).

27. As per claim 16, Campbell teaches the method of claim 9 as described above.

Campbell further teaches the step of displaying anatomical information and the step of displaying medical information take place in different views (see Figures 4 and 7).

28. As per claim 17, Campbell teaches the method of claim 9 as described above.

Campbell further teaches the step of displaying anatomical information comprises displaying a smaller portion of the anatomy with higher detail in response to a selection by the user indicating the portion of the anatomical information that is to be explored (see column 15, lines 60-63).

29. Claims 18-26 recite substantially similar apparatus limitations to method claims 9-17 and, as such, are rejected for similar reasons as given above.

Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/14/05



C. Luke Gilligan
Patent Examiner
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